STATE OF IOWA

DEPARTMENT OF COMMERCE

UTILITIES BOARD

IN RE:	
OFFICE OF CONSUMER ADVOCATE,	
Complainant,	DOCKET NO. FCU-04-45
vs.	
NATIONAL ACCESS LONG DISTANCE,	
Respondent.	

**ORDER APPROVING SETTLEMENT AGREEMENT AND
ASSESSING CIVIL PENALTY**

(Issued September 13, 2004)

On August 31, 2004, the Consumer Advocate Division of the Department of

Justice (Consumer Advocate) filed with the Utilities Board (Board) a petition for a

proceeding to consider a civil penalty for an alleged slamming violation committed by

National Access Long Distance (National Access).

In the complaint, Consumer Advocate asserted that National Access switched

the complaining customer's long distance service without proper authorization in

violation of Iowa's anti-slamming law, Iowa Code § 476.103 (2003). The complaint

was identified as Docket No. FCU-04-45.

On September 8, 2004, the parties to this docket, Consumer Advocate and

National Access, submitted a joint motion for approval of a settlement agreement

contained in the motion. The settlement agreement addresses all issues in the docket and includes a monetary penalty against National Access in the amount of $250, which is to be paid within 30 days of this order.

The Board has reviewed the settlement agreement and will approve it. The settlement agreement is reasonable in light of the record, conforms with all applicable statutes and rules, and is in the public interest. 199 IAC 7.2(11).

IT IS THEREFORE ORDERED:

1.   The "Joint Motion for Approval of Settlement Agreement" filed in this docket on September 8, 2004, is granted and the "Settlement Agreement" is approved.

2.   Pursuant to Iowa Code § 476.103 and the "Settlement Agreement" filed September 8, 2004, National Access Long Distance is assessed a civil penalty in the amount of $250. Payment is due within 30 days of this order.

UTILITIES BOARD

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper   /s/ Elliott Smith
Executive Secretary

Dated at Des Moines, Iowa, this 13th day of September, 2004.